

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DERICK OWUSU,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

NO. C15-1606-JLR-JPD

ORDER GRANTING IN PART AND  
DENYING IN PART  
DEFENDANTS' MOTION TO  
DISMISS

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

1. The Court ADOPTS the Report and Recommendation.
2. Defendants' motion to dismiss, Dkt. 34, is GRANTED in part and DENIED in part as follows:
  - a. Plaintiff's § 1983 false arrest and imprisonment claim against Detective Lindquist may proceed.
  - b. Plaintiff's § 1983 false arrest and imprisonment claims against Detectives Newell and Brack are dismissed with leave to amend.

- c. The municipal liability claim against the City of Bellevue is dismissed with prejudice and without leave to amend.
  - d. The state-law racial discrimination claim against Officer Richey is voluntarily dismissed without prejudice.
3. Within **30 days** of the date this Order is signed, plaintiff may file a second amended complaint that cures the deficiencies identified in the Report and Recommendation. If plaintiff fails to do so, this action will proceed against only Detective Lindquist.
  4. The Clerk is directed to send plaintiff the proper form so that he may file a second amended complaint.
  5. The Clerk also is directed to send a copy of this Order to the parties and to Judge Donohue.
  6. This matter is RE-REFERRED to Judge Donohue for further proceedings.

DATED this 12<sup>th</sup> day of September, 2016.

  
JAMES L. ROBART  
United States District Judge